

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ABDUL RASHEED,

Plaintiff,

22cv1871

ELECTRONICALLY FILED

v.

LT. DISALVO *LIEUTENANT C.O. III*, ET AL.,

Defendants.

**Memorandum Order**

On December 27, 2022, Plaintiff Abdul Rasheed's Complaint against Defendants Lt. DiSalvo, Captain Newman, E. Armel, and C.O. Burrie was lodged pending disposition of Plaintiff's Motion for Leave to Proceed In Forma Pauperis ("IFP Motion"), and referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D. ([Doc. 1](#)).

On December 29, 2022, Plaintiff's IFP Motion was granted as set forth by Court Order ([Doc. 4](#)), and Plaintiff's Complaint was filed. ([Doc. 5](#)).

On May 23, 2023, Defendants filed a Motion to Dismiss Plaintiff's Complaint. ([Doc. 23](#)).

On June 30, 2023, Plaintiff filed a Brief in Opposition to Defendants' Motion to Dismiss. ([Doc. 37](#)).

On September 6, 2023, Magistrate Judge Lenihan filed a Report and Recommendation ([Doc. 44](#)), in which she recommended that the Motion to Dismiss filed by Defendants ([Doc. 23](#)) be granted and Plaintiff's Complaint ([Doc. 5](#)) dismissed with prejudice. ([Doc. 44](#)).

Service of the September 6, 2023 Report and Recommendation was made on Plaintiff via U.S. First Class Mail and on all counsel of record via CM/ECF. In the Report and Recommendation, Plaintiff was informed that, in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, he had fourteen (14) days from the date of service of the Report and Recommendation to file any written objections to the Report and Recommendation.

To date, no objections to the September 6, 2023, Report and Recommendation have been filed by Plaintiff.

After *de novo* review of the pleadings and documents in the case and the pending Motion to Dismiss and Plaintiff's Opposition thereto, together with the September 6, 2023 Report and Recommendation, the following Order is entered:

It is hereby ORDERED that Defendants' Motion to Dismiss ([Doc. 23](#)) is GRANTED and Plaintiff's Complaint ([Doc. 5](#)) is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Magistrate Judge Lenihan's September 6, 2023 Report and Recommendation ([Doc. 44](#)) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED.

**SO ORDERED** this 10<sup>th</sup> day of October, 2023.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: ABDUL RASHEED  
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